

ferred its control to the Empire State Development Corp., which then signed a 99-year lease with the arts conservancy last November.

"They're taking public property and giving it to private individuals for private gain," says Phil Chiappone, attorney for the Seventh Regiment Fund. "Our basic position is this was a land grab by the state."

The conservancy plans to install 1,500 new seats inside the armory and nearly double the number of annual functions and stage performances, up to 330, held there each year. Art and antique dealers who for years have used the historic structure for their events have already noticed interior improvements since the conservancy took over, according to an article posted on the Web site *Antiques and The Arts Online*. The dealers also noticed that in January the rent doubled from \$10,000 to \$20,000 a day, and they are expecting it to jump to \$30,000 as early as next fall.

Different Visions. Dalva says veterans of the regiment had wanted to conduct a more respectful renovation of the armory, keep the art and antique dealers coming for their usual 183 events a year in order to cover overhead costs and provide funds for restoration, along the way creating a military museum, and maintaining

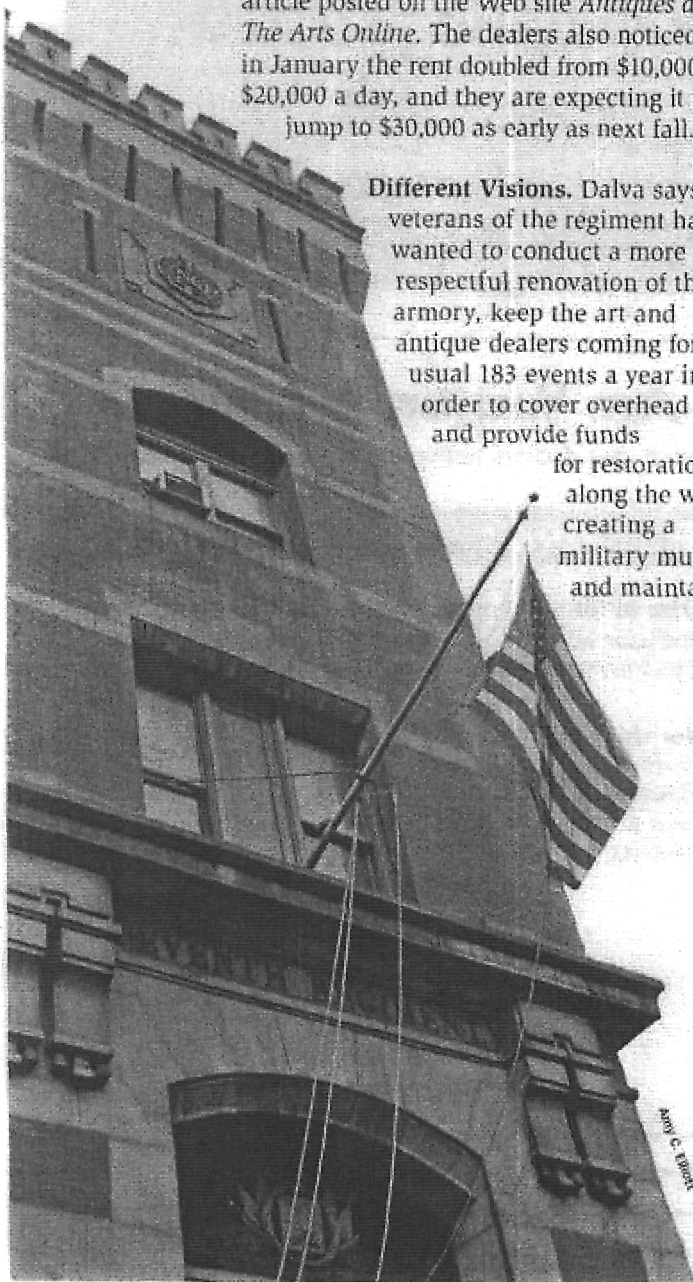
the 200-year-old National Guard heritage there, keeping it a real installation in case of a civil-defense emergency.

"The original idea," Dalva explains, "was that it would be used during the summer and then some other times – for antique shows, Boston Pops, that sort of thing – where you just put out tables and chairs, people would come in to listen to music and leave. It was not heavy theater. There were no changes contemplated in the structure when we originally developed our plan. These people are now talking about cutting holes in the sides of the building. When (the conservancy) issued a plan that showed a new loading dock on 66th Street, the neighbors went ballistic."

A National Guard presence must be maintained in the armory not merely out of historical sentiment. It's a condition of the original city land lease on a block of Manhattan that could command upwards of \$1 billion if sold on the open market today, Dalva says. The 53rd Army Liaison Team, a civil-affairs unit, today keeps an office and a handful of Guardsmen in the armory, which has not been activated for military purposes since the terrorist attacks of Sept. 11, 2001. "You look at this location and you have to ask," says Bob Corrigan, New York County American Legion historian, "do we really want to lose a military installation here, in this day and age of terrorism?"

Julia Fredrick Willkie doesn't. A volunteer for a group called The Friends of the Seventh Regiment Armory and former Manhattan real-estate manager, she remembers the grand opening of a new \$13 million emergency command center for New York City. "I said to many it was the most ludicrous thing I had ever heard because it was built on the 23rd floor of 7 World Trade Tower, with an enormous fuel reserve tank," she explains. "I never dreamt of 9/11, but it happened, and 7 World Trade Tower collapsed, with the command center. Disasters happen, and satellite staging centers for troops and provisions must exist."

Bruce Lee, a veteran who lives across from the Park Avenue armory where he served from 1955 to 1961, is concerned that this residential area will become New York's next Broadway as plans materialize. "The traffic problems in our neighborhood, for this number of opening curtains and end-of-show curtains, would be highly destructive," Lee says, adding that



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some 365,000 square feet of air rights above the armory, which can be valued as high as \$400 a foot, may be vulnerable to future development. "Who will control these rights, and how will they be used? At the moment, the development corporation has given control of these air rights to the conservancy," Lee also believes the 1,500-seat plan is just a start and that the lease itself contemplates as many as 4,100 seats in various future configurations.

Veterans filed a city petition to require the conservancy to perform a full environmental impact statement, but their case was dismissed on the grounds that the veterans lacked standing in the issue, unlike the residents surrounding the armory. The legal challenge on the environmental impact statement decision would have to come from the community.

The Legal Litmus Test. Especially disheartening to Dalva, a dealer of 18th-century French furniture, was the 2005 ruling that the state could claim all the armory's art, artifacts and memorabilia and disperse it with limited oversight — precisely what the regiment's descendants feared in 1952. "They were afraid the state would swoop in and take it," Chiappone says. The Seventh Regiment Fund, which had been established in 1909 to accept testamentary donations, had clear ownership, Chiappone says, until plans for a new military museum in Saratoga Springs, N.Y., were announced in the early 1990s, leading the state to seek items from historic armories across the state, including those owned by the Seventh Regiment Fund.

The state's lawsuit against the fund was dismissed in 2002 after it was believed the statute of limitations expired. An appeal by the state, however, remanded the dismissal to a lower court, which in 2005 granted the state ownership of everything. "It was a very flawed decision," says Fitzgerald, a veteran who served in the armory from 1960 to 1966. He is confident the next decision will come down on the side of the veterans. "The lower court was not ordered to rule on the lawsuit. They didn't do what they were supposed to do. I think our chances on the property case are excellent."

"I know when I am wrong, and I know when I am right," says Chiappone, who represents the veterans in their battles over the armory. "On this one, we were right, and

we are not willing to lie down.


"The money to build this armory did not come from the State of New York. It came from the veterans. As late as the late 1960s, private money was used to maintain the armory. There are invoices after invoices. When the armory needed a new floor, the veterans did it. When something needed to be restored, the veterans did it. In the big picture, this is a moral issue. The building was not built for the purpose of running a performing arts center."

Fitzgerald says veterans provided well over \$1 million worth of armory improvements after World War II. "Whenever the state came to us and asked if we could do it, we said yes, like fools."

The American Legion Department of New York agrees that the armory situation is a travesty. Last July, the Department Convention passed a resolution urging the state "to restore rightful ownership of the armory to the trustees" and "continue to base a successor unit of the regiment in the armory, allow veterans organizations to continue to maintain office space within the armory and that the proposed museum be allowed to be developed by the veterans."

The case bears watching for American Legion posts with properties in coveted real-estate markets across the country.

McNamara, who admits American Legion Post 107 members have scattered in recent years and don't meet as regularly as they once did, can't help but believe that somewhere in The Veterans Room, perhaps etched in the plaque above the Tiffany fireplace, is the spirit of unity and resourcefulness that built the armory so long ago. He and his fellow veterans need that spirit now, he believes, to regain what they believe is rightfully theirs.

Lee says the regiment's descendants have a tall order. "The community owes great thanks to the veterans for having stood up to the conservancy and the ESDC for many years," he says. "Anyone can see we are fighting an 800-pound gorilla." 

Jeff Stoffer is managing editor of The American Legion Magazine.

Veterans interested in communicating with those who are fighting to regain custody of the Seventh Regiment Armory and its contents should contact Kenyon B. Fitzgerald.

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